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Appropriations Committee  
February 24, 2011

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[AGENCY 70]

SENATOR HEIDEMANN: Is anyone else wishing to testify on Agency 68? Seeing none, we will close up the public hearing on Agency 68 and open up the public hearing on Agency 70, the Foster Care Review Board. [AGENCY 68]

GEORGIE SCURFIELD: (Exhibit 8) Good afternoon, Senators. Good afternoon, the Appropriations Committee. My name is Georgie Scurfield, G-e-o-r-g-i-e, Scurfield is S-c-u-r-f-i-e-l-d, and I'm the newly elected chair of the Foster Care Review Board. I'm here today to talk about the fact that we are here to ask for more money, and I know that this is a very tough year to be asking for that. Our request specifically is for \$53,857 which would allow us to have an extra person to help with tracking cases. What we have in front of us here is a pile of some of the work that we are doing. The function of the Foster Care Review Board is to track the children who are in out-of-home care, the state wards, and to review their cases and to report to you and to the judiciary and to others about the state of child welfare in Nebraska. In order to do that, we have staff who do the tracking and do the preparation of the reviews, and a network of volunteer boards who actually review the files and the children's cases. We are asking particularly for a tracking person because there have been, as you know very well, so many changes in child welfare recently that that tracking has become a much bigger task than it was in the past. We would also like, if possible, an extra two review specialists, two staff members who facilitate the reviews, at a cost of \$128,458. That would allow us to actually keep up with the increase in the work. Cutbacks in the past have meant that we have not in the last several years been able to review the case of every child. We track the children but we haven't been able to review their cases. We would like to be able to get to that point again, especially at this point in the child welfare reform effort that's happening in Nebraska at the moment. I have with me Lydia, who is going to talk a little bit about the tracking, but we are going to also hear from my fellow board member, Gene Klein, and from our executive director, Carol Stitt. [AGENCY 70]

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GENE KLEIN: Good afternoon. I'll keep my testimony very brief. I'm Gene Klein, a volunteer board member for the Foster Care Review Board. You all appointed me six years ago to the Foster Care Review Board, and I represent the child advocacy centers in Nebraska on the Foster Care Review Board. So thank you for the appointment several years ago, and it's going to be a disappointment to have to leave the board this year. My term is up. I've been in the child welfare field for 25 years...or 23 years, and the last 6 years on the Foster Care Review Board. I've never seen a time where it's more critical for us to be reviewing the children that are in place in the state's custody. As you know, the reform has been very rocky, especially in western Nebraska where providers are no longer in place. I'm from the Omaha area and we continue to be concerned about the children that are placed in care. We think the providers are good people, well-intentioned, but as you'll see and hear from Carol and her staff, there continues to be critical pieces of information that we're not seeing at the Foster Care Review Board. So we, and I'll echo what Georgie mentioned, we know this is not a time to be asking for more money. You're burdened with an incredible task with the budget this year. But as a child advocate and someone that believes we should be putting our energy and efforts in children, especially the children that are placed in the state's custody, we think this is probably the most important decision you'll have to make this year. I'll stop with that testimony and would be open to any questions, if you have any. [AGENCY 70]

SENATOR HEIDEMANN: Could you spell your last name for us? [AGENCY 70]

GENE KLEIN: Klein is K-l-e-i-n. [AGENCY 70]

SENATOR HEIDEMANN: All right, thank you. Are there any questions? Senator Harms. [AGENCY 70]

SENATOR HARMS: First, thank you for coming in. [AGENCY 70]

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GENE KLEIN: Sure. [AGENCY 70]

SENATOR HARMS: Appreciate it. I'd like to talk to you a little bit about the lack of documentation, also whether or not with privatization we have lost direction in regard to where the parents are, the children are and that aspect. Can you help me better understand what's really occurred there? [AGENCY 70]

GENE KLEIN: Well, I'll do my best. I know that there's far more brighter people behind me who know about the data that the Foster Care Review Board has collected, but what we've seen as a state board is just a lack of files not having critical information, so, for example, therapy reports, counseling services. In some cases, there were children that we didn't know that were even in the system, and without the database and without the tracking of the Foster Care Review Board, we didn't know which agency had the child and where their records were actually located at. So your second question then? [AGENCY 70]

SENATOR HARMS: What is it about privatization? [AGENCY 70]

GENE KLEIN: What's my opinion about it? [AGENCY 70]

SENATOR HARMS: I just want to know whether it's working, not working. I'd like to hear another... [AGENCY 70]

GENE KLEIN: Yeah. [AGENCY 70]

SENATOR HARMS: ...source of... [AGENCY 70]

GENE KLEIN: Well, I think that there are rules being changed daily about...I think there's a lot of policy issues that need to be clarified. When you look at other states, Florida, for example, they had in place legislation around decision making, which

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agency could...which agency was responsible for different aspects. It feels like here we're kind of doing this backward where we're creating policy and rules after the fact. You know, I think children are getting served, although we're hearing from...Carol will talk more about this, that foster children are...or foster parents are more scarce. Agencies are closing business. What I've heard is that more of the mental health agencies across the state have moved to the adult care and less on children because of payment issues because they're not feeling like they're part of that puzzle. [AGENCY 70]

SENATOR HARMS: Could you identify geographically, is it western...how does western Nebraska fit into all this in regard to the fact they don't have anybody out there now to serve them? The thing that I get on a regular basis is one that they're being told on a regular basis that their services are being eliminated; two, that they don't have the same caseworker, caseworkers leave on a regular basis; and three, that they've just fallen through the cracks. I've posed all these questions to Health and Human Services. I got a letter back recently that said there was nothing wrong and I'm here to tell you, folks, well, I'd just say that I don't hear of that at all, not from what I've heard from other people. [AGENCY 70]

GENE KLEIN: I think what you're saying underscores the need for an external entity like the Foster Care Review Board to be in place, to be someone that you can go to and say, can you help us figure out what's going on in this situation? Carol has stacks of data. She knows where the children are. Carol Stitt, the director, knows where the children are at. All the more why we need not only this agency but to increase the staff. I don't know the exact numbers, but over the years the agency staff has decreased and, as a board member, it's a very lean organization. And you'll see and hear from people, their workload has quadrupled probably during this reform. So this is...my message is this is a critical time to continue to fund and consider an increase in funding. [AGENCY 70]

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SENATOR HARMS: And have services to families been denied? [AGENCY 70]

GENE KLEIN: Not that I know of. [AGENCY 70]

SENATOR HARMS: Well, it's a question that I pose because I think, at least from what I've been hearing, they have been denied and, not only that, they don't know where to go and the judges don't even know what to do with some of these kids. And I don't know, I'm just not happy with this system and the structure and somehow we've got to come to grips with this because, quite frankly, we have children and families that are getting lost and I object to that very strongly. And I'm hoping that the...our Health and Human Services Committee will be able to dig this stuff out. But to get the same letter that Senator Hansen and I sent jointly and they basically tell us, oh, there's nothing wrong, I don't know. It bothers me because we're not getting the answers that we need. I have difficulty even having these people come and visit with me now. (Inaudible) almost refuse to come and visit with me about some of the issues. I don't know about you, but I think that that has to be fixed and if they don't want to do that then they ought to go away. So thank you, Mr. Chairman. [AGENCY 70]

SENATOR HEIDEMANN: Senator Hansen. [AGENCY 70]

SENATOR HANSEN: Thank you. Some of the questions we asked when we were...Senator Harms and I are worried about the Western Service agency and, I mean, that's where we live and that's where we need to ask the questions. We asked questions of Nathan Busch and we had a series of questions. Now I don't have that in front of me but one of them was that there was an accusation out there that they were dumping cases that, you know, if a family was in services and they said, well, you're done, I mean you're just done. Well, Nathan Busch sent back the results. I mean his letter is in response, came back with a number of raw data that those numbers are actually going up. So whether they're shifting responsibility from, you know, from one agency, it can't be an agency because they're the only agency out there. [AGENCY 70]

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GENE KLEIN: Right. Right. [AGENCY 70]

SENATOR HANSEN: When Boys and Girls Home left, I mean it left a huge gap. And then they closed a home, the Boys and Girls Home in North Platte, which made the gap even larger. But the subcontractors that HHS is using now, the department, they may be shifting back and forth. We're not exactly sure there. But the numbers that Nathan sent said that, you know, they are providing services out there and we don't have anything to argue those points with. So I certainly agree with you that the Foster Care Review Board is extremely important, especially in this time of transition between private and...I mean, well, from private to public back to private someday. We don't know where it's bouncing back and forth. But, unfortunately, in the Wester Service Area, Northern, Central, we're all in the same boat. Since Boys and Girls Home left, we're not in good shape right now, a lot of worry. [AGENCY 70]

GENE KLEIN: Yeah, the reason...the reason...sorry. [AGENCY 70]

SENATOR HANSEN: And this stack of information here, I invited myself over to the Foster Care Review Board Office and I saw stacks of mail or stacks of letters like that. Lydia, you're going to have to tell us what that is. We don't have to read them, right? [AGENCY 70]

GENE KLEIN: No. (Laughter) [AGENCY 70]

LYDIA DANIEL: There will be a quiz afterwards, yes. (Laugh) [AGENCY 70]

GENE KLEIN: The reason the Foster Care Review Board was created was to be this external entity for you and the public to know what is happening in the foster care system, and what I'm proud of, with the staff and what Carol has done, is they base their recommendations on data. This isn't just an opinion. The report that's put out every year

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is based on data. They review the files. They're talking to the people that are in the trenches on these cases to learn about what's going on with the children that are in the state's custody. [AGENCY 70]

SENATOR HANSEN: Can I have one more? [AGENCY 70]

SENATOR HEIDEMANN: One more question from Senator Hansen. [AGENCY 70]

SENATOR HANSEN: One more question. I was going down the road one day and I do get a lot of windshield time going back and forth to North Platte, so I was thinking about Boys and Girls Home leaving, you know, and they were a private agency. These children, through the court system, through the foster care system, are not wards of a corporation. They're still wards of the state no matter what we say. They're still wards of the state. The state has that responsibility. So I appreciate your comments. [AGENCY 70]

GENE KLEIN: Uh-huh. Sure. [AGENCY 70]

SENATOR HEIDEMANN: I don't know if that was a question or a statement but... [AGENCY 70]

SENATOR HANSEN: Oh, it was a statement. (Laughter) [AGENCY 70]

SENATOR HEIDEMANN: Are there any other questions? Seeing none, thanks for coming in today, Gene. [AGENCY 70]

GENE KLEIN: Yes. You bet. [AGENCY 70]

LYDIA DANIEL: Good afternoon. My name is Lydia Daniel and I am the sole individual who enters all of these changes to the system. [AGENCY 70]

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SENATOR HEIDEMANN: Could you spell your last name for us? [AGENCY 70]

LYDIA DANIEL: Yes, sir. D-a-n-i-e-l. [AGENCY 70]

SENATOR HEIDEMANN: First name too, please? [AGENCY 70]

LYDIA DANIEL: L-y-d-i-a. [AGENCY 70]

SENATOR HEIDEMANN: Thank you. [AGENCY 70]

LYDIA DANIEL: In a week, I can get upwards of 2,500 changes to the system that I then input. When agencies come in and come out, it's upward of 5,000 a week, almost double the stack. When I see this, I think of the disruption that it's having on the children's lives to be moved around and caseworkers right and left going in and out. And if the people that you speak with could see the data the way that I do, there would be no question that there is something wrong. Out of 1,600 kids with five or more placements, 460 of those are under the age of 13, and it's very disturbing to see these little ones shuffled around so many times. In the last couple of months, when I...as I'm inputting these, if I find an issue...and I can see a lot from my screen on N-FOCUS, because we keep data from the beginning. We don't just keep data a year ago. If the child has come in and out, we have that and I can discern a lot of problems from just that information. There is not a day goes by that I do not have to stop my entry and try to figure out where kids are. So it is a situation and it is a critical one. In the last two months, I've had no more than 40 changes that I've had to stop and figure out where these children are. I have, you know, I see two-year-olds that are in the home for four days and then back in care again. It's just a constant, constant, you know, change that is occurring. So I believe that it does need to be fixed and that it's very difficult to find anyone to actually then say, yes, this child is with who they are with. People don't return phone calls a lot of the time and it is just...it's very time-consuming to be able to do that but, of course, I



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think that's important. We need that information. And that is pretty much what I do on a regular basis. [AGENCY 70]

SENATOR HEIDEMANN: Senator Fulton. [AGENCY 70]

SENATOR FULTON: Thank you, Mr. Chairman. A couple of questions, Lydia. Thanks for being here. How long have you been doing this job? [AGENCY 70]

LYDIA DANIEL: I have been doing this for five years. [AGENCY 70]

SENATOR FULTON: Five years. When you say that you can't identify where a child is, you're speaking in a geographic, literal sense, couldn't tell you who has authority over this child right now? [AGENCY 70]

LYDIA DANIEL: Absolutely. [AGENCY 70]

SENATOR FULTON: Okay. Is there...do you know where you should go in order to ask? And I understand that there will be different cases for different children,... [AGENCY 70]

LYDIA DANIEL: Sure. [AGENCY 70]

SENATOR FULTON: ...but generally, is there a place, is there a phone number, is there an e-mail, is there a person to whom you can go and the department who does know or who should know? [AGENCY 70]

LYDIA DANIEL: Unfortunately, there are too many people to have to go to, to find files and to find information. The problem is getting them to get back to you, which where I then go to the review specialists and the review specialists are able to physically go and find the files and talk to the workers. I mean, mine is very, you know, I don't get out of

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the office much. It's very much, you know, data entry and that. But, yeah, it's there's too many people that, you know, if you don't have a good history of placement and a good history of what is going on, it's impossible. You would never be able to know, you know, that child was adopted four years ago and now is back in care again if you don't have that history on the screen. [AGENCY 70]

SENATOR FULTON: Okay. Thank you. [AGENCY 70]

SENATOR HEIDEMANN: Senator Harms. [AGENCY 70]

SENATOR HARMS: Thank you, Senator Heidemann. Lydia, thank you for coming in. Is the Health and Human Services Department at all willing to work with you? Do you...do they respond at all? I mean are they aware of all this? I mean are they aware of all the problems they've got? [AGENCY 70]

LYDIA DANIEL: As it stands from a tracking, absolutely not. It would be impossible to do that. If a worker sits down and looks on the system, the history is not there. They only keep a year's worth of placements on their side of N-FOCUS. I have no idea what the reasoning behind that is, but it would be impossible, in my opinion. I couldn't do it, you know, so I know that that's impossible. And then if in two or three months that caseworker has changed again, all of at least the three months of knowledge that that caseworker had is gone and you have to start all over again. But I know from hearing our review specialists talk, that there's nothing in the file either. I don't know how it's possible for them to have a good history of what is going on in these children's lives, in my opinion. [AGENCY 70]

SENATOR HARMS: Well, it's probably a pretty good opinion. Are you seeing any...are you aware of any services that actually families are desperately trying to get that have just plain been eliminated, nobody tells them why? [AGENCY 70]

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LYDIA DANIEL: You know, and I know these guys would have a better picture of that. I do know that phone calls come in regularly of people that are just seeking help and someone to listen and someone to answer their question and, you know, yeah, absolutely, I know that that is happening. I couldn't give you a lot of detail on that because I don't handle that specific, but I know the calls come in and the foster parents are frustrated and families are frustrated and just not getting the answers that they need, you know. [AGENCY 70]

SENATOR HARMS: Do you interface at all with any of the judges? [AGENCY 70]

LYDIA DANIEL: I do not. I do enter court also for 4,000 children so I'm constantly looking at court. I actually discern a lot of problems when I'm looking into court because if the placement is not entered on HHS's side of N-FOCUS, I'm not going to get a piece of paper. But when I'm doing court, I can find placements that are missing that should have been entered and so, yeah, it's... [AGENCY 70]

SENATOR HARMS: I guess I get alarmed when judges are saying that they don't know what to do with the children or the family. They don't know what avenues are open now. They can't get a reply back from Health and Human Services. They're not happy. They're trying to deal honestly with the child, making sure that family or that child is taken care of, which we ought to be doing. [AGENCY 70]

LYDIA DANIEL: Absolutely. [AGENCY 70]

SENATOR HARMS: They're frustrated and I guess I'm concerned about that and for, you know, even when you look at, for example, some of the certain party that have been serving, you know, part of Health and Human Services, when they're not being paid and we're losing those out in western Nebraska on a rapid basis, we aren't going to have anything left. [AGENCY 70]

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LYDIA DANIEL: Absolutely. [AGENCY 70]

SENATOR HARMS: Then you have a whole series of children that aren't being taken care of, you have parents who are desperately trying to find a solution to the problem, and then you have judges there saying, I don't know what to do with this. [AGENCY 70]

LYDIA DANIEL: Right. [AGENCY 70]

SENATOR HARMS: It's a pretty sad deal here. [AGENCY 70]

LYDIA DANIEL: It is very sad and very concerning. And the other thing, too, is they also have a time frame to report placements to us. I think it's three days, which I try to be a little more lenient than three days. I understand they're busy. But I'm getting placements that were four, five, six months, sometimes a year that has gone by before they are putting those placements in. So for that whole time, no one knows where these children are, you know, and it's very frustrating to see those things happen. So the... [AGENCY 70]

SENATOR HARMS: Well, as we learned, Senator Hansen and I learned, there's nothing wrong. [AGENCY 70]

LYDIA DANIEL: Well, they should come visit me someday and I will walk them through exactly what is wrong, so... (Laugh) [AGENCY 70]

SENATOR HARMS: Thank you, Lydia, very much for your open honesty. [AGENCY 70]

LYDIA DANIEL: Thank you. [AGENCY 70]

SENATOR HEIDEMANN: Senator Nelson. [AGENCY 70]

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SENATOR NELSON: I had to step out a minute. I may have missed something. I think I read recently that there's a shortage of foster care parents. Is that correct? [AGENCY 70]

LYDIA DANIEL: That is definitely correct. [AGENCY 70]

SENATOR NELSON: So if we don't have the foster care homes to place kids in, where do they go? What do they do? What does the judge do? [AGENCY 70]

LYDIA DANIEL: Absolutely. Yeah, it's... [AGENCY 70]

SENATOR NELSON: I mean are they kept in detention somewhere or are they left with the families? [AGENCY 70]

LYDIA DANIEL: Yes, absolutely those things are going on, yes. And again, these guys would definitely be able to charter that better than I would, but, yes, absolutely. I mean they're either not going to be able to be taken out or...and foster parents are frustrated. They're not, you know, they're not getting paid, they're not getting listened to, they're not getting any kind of support. So to really sign up for that right now... [AGENCY 70]

SENATOR NELSON: Yeah, I'd be interested if you have others that... [AGENCY 70]

LYDIA DANIEL: Of course. Yes. [AGENCY 70]

SENATOR NELSON: ...some of the testimony addressing just that problem. [AGENCY 70]

LYDIA DANIEL: Yes. [AGENCY 70]

SENATOR NELSON: Maybe they intend to so... [AGENCY 70]

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LYDIA DANIEL: Yes. Yes, definitely, they will be speaking about that. [AGENCY 70]

SENATOR NELSON: So thank you very much. [AGENCY 70]

SENATOR HEIDEMANN: Senator Hansen. [AGENCY 70]

SENATOR HANSEN: Thank you. Lydia, a year ago were you doing this by yourself?  
[AGENCY 70]

LYDIA DANIEL: I have been doing this pretty much by myself the whole time. [AGENCY 70]

SENATOR HANSEN: For five years. [AGENCY 70]

LYDIA DANIEL: Yeah. [AGENCY 70]

SENATOR HANSEN: Okay. [AGENCY 70]

LYDIA DANIEL: Yeah, I've never...I mean I do have people who, you know, when things get double. You know, obviously, we all support each other, you know, very well, and there is help. But the expertise, amazingly enough, that goes along with that entry, which I know sounds odd, but it is...it takes a while to get that and to see the problems and the issues on a piece of paper like this. There's just certain red flags that it just has taken some years for me to acquire that ability. [AGENCY 70]

SENATOR HANSEN: Has your...give us an idea how your workload has increased maybe over the last five years. What's the trend line? [AGENCY 70]

LYDIA DANIEL: Yeah, absolutely. This is I guess normal week, as, you know, a year

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ago when this all started to change. It is literally this stack has doubled and sometimes tripled. You know, when all the service coordinators came in, that's data entry. When they all go back out, that's more data entry, and disruption for the children. You know, I don't mind doing it but it's...I just see it as so disruptive for these children to have to go through that along with all of the other problems that they're facing. It's just...it's ridiculous. [AGENCY 70]

SENATOR HANSEN: Thank you. [AGENCY 70]

SENATOR HEIDEMANN: Are there any other questions of Lydia? Seeing none, thank you. [AGENCY 70]

LYDIA DANIEL: Well, I thank everyone here for doing what you do every day, and I thank you for that as well. So thanks for giving me this opportunity. [AGENCY 70]

SENATOR HEIDEMANN: We thank you also. Sometimes we think we have a difficult job. Welcome. [AGENCY 70]

NIKKI SWOPE: I think all three of the review specialists that are present are coming up. Do you want me to move this stack of paper out of your way? [AGENCY 70]

SENATOR HEIDEMANN: Welcome. [AGENCY 70]

NIKKI SWOPE: I'm Nikki. Thank you. I'm Nikki Swope, N-i-k-k-i S-w-o-p-e, a review specialist in the Lincoln southwest area. My area that I cover is mainly more the urban Lincoln area. We have other review specialists that do more of the southeast area. Well, I came here to kind of talk about what we are seeing here in the...during the reform process. It seems like you guys have...hearing a lot of the problems that we are seeing every single day. But I've been doing this for about four years, and before this I was an advocate for a domestic violence shelter, so I've been...and when I was an advocate for

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the domestic violence shelter, I was a liaison within the department to kind of review all the cases where there is domestic violence in the home and go out and help with the workers, provide some training, some technical assistance. But even then I saw that there was a lot of things that needed to be changed. I think reform we've all seen has been necessary, but during this process of privatization the reform has gone very badly. This system, where we brought the children back in and we shuffled them all back out to agencies and then the agencies pulled out their contracts, and then they had to be shuffled back in and to other workers, in the course of a year I will see up to seven or eight service coordinators and about the same many DHHS workers working with one family. When you have this constant chaos and this turnover with these kids, you lose this institutional memory. When I contact the workers and during my reviews, I often hear, I just got 15 cases put on my desk today, I don't know anything about this family. And putting it on their desk, it might have been two months ago they got assigned to this family. So there is this lack of information that happens. When they get reassigned to a new worker, the workers are already busy, that goes to the side of the desk until they can get to it. And the increase in the number of workers assigned to a family has dramatically increased since the reform process because we have two layers of people now that are trying to deal with the families. And I think during this time the Foster Care Review Board has been the one constant that is there. We have been providing information to the courts. The judges are really leaning on the board to provide information. We don't have a prescribed methodology. We don't have a, how do you want to say it, an internal agenda. We are not bound by who our contractors are who's paying us that day, you know, to make decisions that are in the best interests of the children. Judges will pull us in before court, all the legal parties, and say, did everyone see what the board has recommended; how come this information hasn't come out before this? Attorneys call on us. A lot of the judges are ordering directly from our recommendations when we go to court. In the Lincoln area, we don't even have to ask to have our recommendations introduced. All the juvenile court judges are introducing them on their own and putting them out there because they do look to us for that kind of information. And when the workers get these cases, they don't have time, they just



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don't, to go back through the whole entire case file information. Lydia had talked about information gets dropped off the system after so long. They only list, like, case managers within the last year. They only have placements within the last year. When we go in and do our file review, we go to the department and we physically pull their files and so we get boxes and mounds of paperwork, and we go make copies and we start our own files and we read through those. We read through the old assessments, we read through the old intakes, and so we have this information that a lot of the workers just don't have the ability to gather themselves. And with this information, you know, the judges have admonished caseworkers in court saying, have you read the file? These workers will have to say, no, I haven't had a chance to do that. And they're like, well, read the board's recommendations. And we have, between all of us, we have a lot of examples of how our work has kind of impacted the kids that we serve, but there was a recent one that kind of came up. There was a foster parent. She was really struggling with a young girl in her home. There was two little girls in the sibling group. They've been in and out of foster care for years. The youngest one was displaying some behavioral problems, emotional issues, some learning difficulties, and upon...I went to review, I went back to when those kids first came into care and then the second time of care, and read all these assessments and found some old substance abuse screens and some evaluations that indicated that Mom was abusing alcohol throughout her pregnancy, and this wasn't kind of known throughout there. And so we had a young girl that then we can recommend that she get evaluated, because if you're approaching the problem from...without all the information, you just don't know how to handle the solution. And all the KVC workers, they were hired to do a much different job than they are performing today. All the workers were originally trained to provide service, coordination, that sort of thing, and now in the Lincoln area they're taking over this role as case management. They haven't been trained, in court, how to testify. They lack just even basic fundamentals about how the juvenile justice system works. Often, we are, when we are visiting with them, I have to explain some simple things. I've had to fax court orders to the workers because they don't even know what has been court ordered for this family to do and we have court coming up. Because there is also so much

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turnover in the system, services are not being put in place quickly for families. When it switches to...when I have court and certain services are ordered, we got a couple changes in case managers along the way, they don't even know what's court ordered. So it could be six, eight months down the road before maybe a parent starts their substance abuse programming or the therapy put in place for the kids or the parents or the foster parents are getting the supports that they need. Because of all this turnover and these changes, our jobs as reviewers is becoming increasingly difficult, because we have to call more people. We have to contact more attorneys or therapists to make sure that everybody has the information that they need to serve these kids correctly. And we need to go back maybe farther in the files because the case history is not there, the knowledge of the histories of these families is not there. And foster parents are getting affected by this greatly, too, because every time a new worker comes in, they feel like they have to start over and kind of explain the situation with the kids. And I'm sure the biological families are feeling the same way too. They have to keep going over and over the same stuff over and over again with these workers. And so the foster parents are becoming more and more frustrated and we're losing some really great ones because they are just...they can't deal with the system, they can't deal with the changes anymore and they're pulling out, and because of this we're losing placements, good placements, in Lincoln and across the state. We have one child who is developmentally disabled and she has been placed up in Macy and driving back and forth to Lincoln to school every day. That's a three-and-a-half, four-hour drive, so eight hours a day they're transporting this child back and forth just to come to school until they can find a placement here in Lincoln. I have another situation where I went to court and the judge had been told that these children, and the HHS worker were told, that these children had been placed in Unadilla because this was going to be an adoptive home, when in fact that these foster parents had never agreed to do that. They were just there for a temporary...for the temporary. And so in order not to disrupt the children's school, then they were being transported 35, 40 minutes from Unadilla to school every single day and they're still looking for a placement in Lincoln. So these children will be shuffled around a few more times before they can find permanency. Carol also asked me to kind of talk about what

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our review does, and I think I touched on that. We actually, you know, go up there and pull the physical files. We have access to the department's database, the N-FOCUS system, where we can go back through and we can read all the narratives and we can read all the intakes and that sort of thing, and then we take all these things and pull together a story about these kids so we can...people can know what they need and what they've been through and what has worked with families and what hasn't worked for families. We also, during our review process, put together what we call the data form where we keep track of information where our data collection people can pull from there, and that includes, you know, the number of caseworkers that have been working with the family, whether or not they've had contact with the children, and there's a placement history section on there. So between all of us, there's a double-check on all of our data and what we're kind of seeing and then what we can...we work with our data collection people to make sure our data is accurate. What we also have implemented since the reform process is a checklist that we provide to the department. When we are going through their files, we mark off what is missing in there, if there isn't visitation documentation or if there isn't therapy reports or what is missing from the files, because we need that information to make good recommendations. We let them know what kinds of things that we need and request that from them. And so we collect data from that, too, about what is missing physically from the files. And what we have seen and what our history has been is that the Department of Health and Human Services hasn't had the best track record of providing oversight of their contractors, and now they've been kind of assigned this monitoring role. And we've had issues over the years with their transportation contractors and different kind of providers that they were supposed to be providing oversight. So I think our role as a board is just becoming that much more vital. You want to start with the Western Area? [AGENCY 70]

DAWN PAULSEN: Sure. My name is Dawn Paulsen, D-a-w-n P-a-u-l-s-e-n. I'm a review specialist in the Kearney and Grand Island area and I have been a review specialist for 13 years. I have a Bachelor of Science degree in criminal justice, and prior to joining the Foster Care Review Board I was a probation officer. I am currently a member of three

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Through the Eyes of the Child teams in our area: Judge Martin's team in Grand Island, Judge Jorgensen and Judge Beavers in Kearney, and Judge Ide in Holdrege. I am also a member of the LB1184 treatment team of Hall County with Deputy County Attorney Bob Cashoili, and currently in our area there are 301 children in out-of-home care of the area that I cover. I facilitate three board meetings per month and the boards, as a total, review approximately 35 children. That kind of gives you a history or a little synopsis of my little area. As you are aware, our area no longer has a contracted provider so I would like to speak with you about what's going well in our area, since we no longer have the provider. I was able to see a smooth transition of the children's cases back to the department in our area because our caseworkers in our area remained actively involved in those cases. They were still part of their treatment, monthly treatment team meetings, so they were still a part of that team. So when the case transitioned back to them, they were still able to see and know what was going on with that family and what services were in place and what needed to continue on with that family. I'm seeing foster parents...or prior to the reform or the privatization ending in our area, there were foster parents that were stating that they were not going to be renewing their license, and now we're hearing where foster parents are reconsidering renewing their license in our area, which is very positive. We're also seeing an increase in relative placements. And also in our area I think it's working well when accurate and complete information is provided and people are working as a team, it can achieve permanency for these children a lot faster. The Hall County Attorney, Bob Cashoili, he has been able to evaluate permanency and with history of the case. I know there's been testimony where a lot of times that history of that family gets lost, and he is able to use that information to see if there are aggravated circumstances from the very beginning of the case, you know, if this child has been in out-of-home care five times and, you know, what...it doesn't matter how many services are put in place for that family, it just, you know, hasn't been a successful reunification. He can evaluate those cases and say, you know, this is enough, this is the fifth time this child has come into care, it's time to move into to a different direction. And with that information, you know, he's able to file motions for termination and get the child permanency a lot faster. We also have...our Through the

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Eyes of the Child meeting has, in our areas, have been very active. Judge Ide's team meets every month, Judge Martin's team meets quarterly, and so does Judge Jorgensen and Judge Beaver's teams meet quarterly. We also staff cases with the Central Service Area, Department of Health of Health and Human Services on a monthly basis and they are very receptive to the board's recommendations and we kind of get a plan and then we follow up the next month to see how that went. And then my LB1184 treatment team in Grand Island, we meet twice a month to see what services should be...are lacking in the area and what we can improve upon in our areas. I'd like to share a success case with you, when the area is working well. I reviewed a child, she was a baby when she entered care at birth. Her mother had a lack of parenting skills and a history of substance abuse, and there was history. The mother had two other children that had been removed from her care, one the mother had relinquished on, the other one went to...her parental rights were terminated on. So when this child was born, she entered care and at six months the plan was reunification. The board did not support the plan of reunification, recommended a motion to terminate the parental rights of the mother due to the history and the numerous previous services that have been provided to this mother regarding her other children. The fathers were incarcerated for a long period of time and would not be able to parent this child and the mother ended up relinquishing her parental rights two months later and the father's parental rights were terminated six months later. So this child has been free...is now free for adoption after being only in care for 12 months and she is in an adoptive placement. She has been in this placement since birth so she will not suffer a placement disruption. And this is also where a sibling was adopted, so she was able to be with a biological sibling. So I appreciate your time in listening to us today and we certainly appreciate your support. [AGENCY 70]

ALISSA SCHOENHOLZ: My name is Alissa Schoenholz, it's A-l-i-s-s-a, last name is S-c-h-o-e-n-h-o-l-z, and I am the review specialist supervisor for the Central, Western, and Southeast Service Areas. I've had this position for about two months right now. I've been with the board for two years. Prior to taking the supervisor position, I was a review

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specialist. My background also includes an associate degree in early childhood education, and a bachelor's degree in education and family sciences. Prior to coming to the board, I was a caseworker at the Department of Health and Human Services for three years where I did ongoing case management, working with families and children of abuse and neglect. I also was on the permanency team where we did...finalized adoptions. Let's see...I'm here today to report about what the Foster Care Review Board is seeing in the Western Service Area, how these issues are impacting our children and how these issues are impacting the work of our review specialists. All right. The Western Service Area currently does not have a service provider like the Southeast Service Area and the Eastern Service Area. The Western Service Area had a service provider up until October of last year. This service area has seen issues with lack of placements and resources available to children and families. These issues have centered around payment issues as well as referral issues, the lack of documentation and case knowledge from the lead service providers prior to October of last year and (inaudible) and time after that. October 2010, services that were being provided stopped abruptly, which has left families without services, pieces of documentation missing, and holes in the cases that the review specialists are reviewing. The Central Service Area, as Dawn had spoke about, has also lost some services, excuse me, resources and placements that the Western Service Area have been utilizing in the past for children. All of these issues have caused the review specialists additional work in order to obtain the necessary documentation to ensure that our children are getting the services that they need and are safe. Currently, our review specialists are seeing more out-of-state placements due to lack of available placements in their area. Scott Curtis, a review specialist that covers the Panhandle, the Scottsbluff area, has reviewed children's cases where he has found children being placed in nine different states, from his October reviews up until his January reviews. So he's had children in nine different states over that time. These placements have included relative foster homes, group homes, as well as residential treatment facilities. Review specialists are required to make contact with the child's placement to get reports on how they're doing, their progress, checking up on their behaviors, and making sure that the placements are getting sufficient information

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in order to meet the children's needs. As we see more out-of-state placements, our review specialists are not always able to get the responses from these types of placements. The Department of Health and Human Services is currently identifying more relative foster placements. Relative foster placements benefit children when they are safe, appropriate, and as well as when they know that they are known to the children. However, concerns are raised with the travel distance that these children have to make to their home school as well as to visits with their parents and their siblings. An example of this was when a youth was reviewed by the board that was placed in a treatment group home in Omaha. The plan was currently to reunify with his parents, but the family was living in Keith County, which is by Ogallala. In another case, the parents were...had identified a barrier to reunification as travel distance. The placement had also identified the travel distance as a barrier because of placement, as well as the therapist. They weren't able to implement family therapy and other...including them in their treatment plan because of the distance. So those are some issues that they've seen. In Dawson County, there is currently ten foster homes available. All Boys and Girls Home shelters have been closed, causing more issues with placements being farther away from their parents, causing barriers again to reunification and visitation. The Western Service Area also has one emergency youth shelter in their area and that's currently located in the Scottbluff area. They are struggling with placements for children since many of the foster homes and placements have closed as a result of the lead provider that they had in their area. Currently, right now, they have three major service providers that they contract with for services, like family support, services that they would implement to work with the family to correct any adjudicated issues that they might...that resulted in the kids being removed. On a positive note, the Western Service Area has a new CASA director in Kimball, Nebraska. There was also several new CASAs sworn in, in the Scottsbluff area, and North Platte is planning on starting up a new CASA program in their area. The overall message that I want to relay here today is that placements and resources are issues for our children and families in the Western Service Area. The impact that this has on the children in Nebraska is a delay in permanency for them and their families. The Foster Care Review Board was put in

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place to track our children, ensure that services are set up and placements are safe, and that children do not linger in foster care. Our dedication to children of Nebraska continues, and with the support and funding for the Foster Care Review Board we will continue to report issues, trends, and progress in our child welfare system. That's it. That's all I have. Thank you, guys, for your support. [AGENCY 70]

SENATOR HARMS: Do you have any questions? Was it Melissa? [AGENCY 70]

ALISSA SCHOENHOLZ: Excuse me? [AGENCY 70]

SENATOR HARMS: Your first name was... [AGENCY 70]

ALISSA SCHOENHOLZ: Alissa. [AGENCY 70]

SENATOR HARMS: ...Alissa. [AGENCY 70]

ALISSA SCHOENHOLZ: Yes. [AGENCY 70]

SENATOR HARMS: Okay. Alissa, I have a couple questions I wanted to ask you. [AGENCY 70]

ALISSA SCHOENHOLZ: Okay. [AGENCY 70]

SENATOR HARMS: In regard to the out-of-state placements,... [AGENCY 70]

ALISSA SCHOENHOLZ: Uh-huh. [AGENCY 70]

SENATOR HARMS: ...you said there were nine of those? [AGENCY 70]

ALISSA SCHOENHOLZ: Nine, yes. [AGENCY 70]



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SENATOR HARMS: And those...were those from western Nebraska? [AGENCY 70]

ALISSA SCHOENHOLZ: Yes. Yes, this is... [AGENCY 70]

SENATOR HARMS: What criteria do they use where they place these kids and, secondly, what cost is it to the state? When they place a child out of state,... [AGENCY 70]

ALISSA SCHOENHOLZ: Uh-huh. [AGENCY 70]

SENATOR HARMS: ...what's it costing the state? [AGENCY 70]

ALISSA SCHOENHOLZ: I don't know what the cost is to the state, unfortunately. I could... [AGENCY 70]

SENATOR HARMS: Do you know whether there is a cost for sure or...? [AGENCY 70]

ALISSA SCHOENHOLZ: Yeah, there would be a cost. [AGENCY 70]

SENATOR HARMS: Okay. What then does...do you know that whether Health and Human Services actually goes out of state to check where these children are being placed, make the arrangements? How does that work? [AGENCY 70]

ALISSA SCHOENHOLZ: The department has an interstate compact policy in place where they would contact a state that they were going to place the child in, and that state would initiative like a home study, background checks with the placement, if it was like a relative. Then once the child is placed in that state, then they would have a courtesy worker that would go out, you know, once a month or whatever their availability was to go and do a home visit and check up on the child and the placement. So it would

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be specifically for like a relative or a family, child-specific placement outside of the state of Nebraska. [AGENCY 70]

SENATOR HARMS: But the distance that far away for the family, for the child, what impact does that have to that child? [AGENCY 70]

ALISSA SCHOENHOLZ: If the plan is reunification, obviously, the distance would be, you know, a big barrier, you know. Keeping that bond between the parent and child needs to occur with regular visitation. [AGENCY 70]

SENATOR HARMS: And the purpose for placing that child out of state is what? [AGENCY 70]

ALISSA SCHOENHOLZ: The department wants to look at placements that are known to children, less restrictive and less traumatizing for children to place them in a foster home or with people that they know. [AGENCY 70]

SENATOR HARMS: Is it just the fact that we do not have people in western Nebraska to take these children? Is that...? [AGENCY 70]

ALISSA SCHOENHOLZ: Right. Yeah. We...foster parents, I think we've all reported about foster parents not wanting to renew their license because of the issues that... [AGENCY 70]

SENATOR HARMS: And is that because they don't even know when they're going to get paid? [AGENCY 70]

ALISSA SCHOENHOLZ: You know, I think some of that is an issue. We did get a lot of reports that they weren't getting paid. [AGENCY 70]

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SENATOR HARMS: Let me ask you this question about western Nebraska. Are you aware of children's records being lost in western Nebraska? [AGENCY 70]

ALISSA SCHOENHOLZ: I know we've had issues with lack of documentation and that's why we implemented the... [AGENCY 70]

SENATOR HARMS: Are you aware of any children who just have...the family has just been lost in the whole changeover in privatization? [AGENCY 70]

ALISSA SCHOENHOLZ: You know, I don't know if I can speak... [AGENCY 70]

SENATOR HARMS: I'm not trying to pin you down. I'm just... [AGENCY 70]

ALISSA SCHOENHOLZ: Yeah. [AGENCY 70]

SENATOR HARMS: ...(inaudible) information. [AGENCY 70]

ALISSA SCHOENHOLZ: I don't know if I can really answer that, given my short amount of time supervising this area. [AGENCY 70]

SENATOR HARMS: Thank you, (inaudible). [AGENCY 70]

SENATOR HEIDEMANN: Senator Wightman. [AGENCY 70]

SENATOR WIGHTMAN: Thank you, Lydia. I'll ask...or... [AGENCY 70]

\_\_\_\_\_: Melissa. [AGENCY 70]

SENATOR WIGHTMAN: ...Alissa, I'll ask you this question. [AGENCY 70]

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ALISSA SCHOENHOLZ: Okay. [AGENCY 70]

SENATOR WIGHTMAN: But it says in your report that we have nine different states. Does that mean nine families or many more families than that, that are placed in these nine states? [AGENCY 70]

ALISSA SCHOENHOLZ: These are just nine states that our review specialist had reviewed a child that was placed in one of those states. [AGENCY 70]

SENATOR WIGHTMAN: And they were placed, though, under our Health and Human Services Department. [AGENCY 70]

ALISSA SCHOENHOLZ: Right. Yeah, they're wards of Nebraska. [AGENCY 70]

SENATOR WIGHTMAN: Now do we also receive children from other states where there's a close tie and families? [AGENCY 70]

ALISSA SCHOENHOLZ: Yes. There's a...I guess other states would also have to go through that same process, the interstate compact, if they were going to place a child in our state, a ward of theirs into our state. [AGENCY 70]

SENATOR WIGHTMAN: So you're looking at homes where the child may have some familiarity, I think you said. Is that... [AGENCY 70]

ALISSA SCHOENHOLZ: Right, a relative. [AGENCY 70]

SENATOR WIGHTMAN: Maybe a relative or... [AGENCY 70]

ALISSA SCHOENHOLZ: Yes. [AGENCY 70]

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SENATOR WIGHTMAN: So there's probably many more than nine families. There's just nine different states. [AGENCY 70]

ALISSA SCHOENHOLZ: Right. [AGENCY 70]

SENATOR WIGHTMAN: Am I correct there? [AGENCY 70]

ALISSA SCHOENHOLZ: Right. And that was just a snapshot from October until January of when... [AGENCY 70]

SENATOR WIGHTMAN: Those were placements made during that period of time or...? [AGENCY 70]

ALISSA SCHOENHOLZ: Well, they might have been made beforehand, but they were just cases that we had reviewed over that time period that we had seen that there was nine and we thought that was pretty high from what we had seen in the past. [AGENCY 70]

SENATOR WIGHTMAN: Do you have any idea how many different states Nebraska residents are serving as foster homes for? [AGENCY 70]

ALISSA SCHOENHOLZ: I do not. [AGENCY 70]

SENATOR WIGHTMAN: Thank you. [AGENCY 70]

ALISSA SCHOENHOLZ: Yep. [AGENCY 70]

SENATOR HEIDEMANN: Are there any other questions? Seeing none, thank you for testifying today. [AGENCY 70]

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ALISSA SCHOENHOLZ: Thank you, all. [AGENCY 70]

\_\_\_\_\_: Thank you. [AGENCY 70]

SENATOR HEIDEMANN: How many other people are wishing to testify today? Two yet? Two? Welcome. [AGENCY 70]

DAWN ANDERSEN: Good afternoon. My name is Dawn Andersen, D-a-w-n, Andersen is A-n-d-e-r-s-e-n. I am here today as a foster parent. I am currently a resident here in Lincoln and I have been a foster parent for the last six years, five to six years I should say. I have this all written out. The definition of safety net is something that provides security against misfortune or difficulty. In 1982, the Legislature designed the Foster Care Review Board to be just that--the safety net for Nebraska's children in out-of-home care. I commend and thank the senators that enacted this agency in 1982, as well as our senators today that continue to recognize its importance and necessity in advocating expeditious permanency for our state's children in out-of-home care. As a foster parent, I was not aware of this agency. During my first placement of foster children, I witnessed substandard case management as well as substandard progress that directly affected the children I was responsible to care for. I knew committing to foster care was not going to be easy, as everyone had warned me of the dysfunction of the system. On a daily basis, the children in my home fell victim to the disrespectful, disruptive, and callous decisions of key players that held their fate in their hands. After approximately six months of the children living in my home, I received an invitation to attend a meeting held by the Foster Care Review Board. With this invitation was a questionnaire. The questions related to the children in my home: Were the children receiving the necessary services to maintain stability and meet their needs? Was I as a foster parent receiving the services necessary to provide care to these children? Did I understand why these children were in out-of-home care? How often had the guardian ad litem visited the children? Each question addressed the key players of the team working the specific case, ensuring the children were receiving the necessary services

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that each member was required to provide and what the children deserved. I attended the meeting I was invited to and had taken the children along. I was overwhelmed with the lack of progress, communication, and support from the department. After answering the board's questions and providing the facts of my case, I felt a weight had been lifted. I was in awe that there was such an agency that did nothing but advocate for the children and the needs for these children to achieve permanency. Walking out of that meeting, I just looked at the children and told myself that their voices had been heard. Regardless of the outcome, the Foster Care Review Board would continue to stay the course and identify areas of concern on their case and advocate for their well-being. Although the children remained in out-of-home care for greater than 22 months, I knew in my heart the board was fighting for the kids. It was at the completion of this case that I, too, wanted to be a part of this board to have the opportunity to advocate for the children in out-of-home care; to be in a position to assist with identifying areas that needed work with team members; and also recognizing above-standard performance of team players. I applied to the board, completed the background checks, and also attended and completed the required training to become a volunteer for this organization. I have been on the board for almost two years to date and continue to be a part of advocating for all children in out-of-home care and not just the children that are placed in my home. As there was a need for this agency in 1982, as the reform of foster care continues to progress the need is stronger than ever today. The Foster Care Review Board is the only agency that continues to remain intact. Foster parents throughout the state are deciding to no longer foster. Ancillary providers continue to close their doors. Mental health needs for children in out-of-home care continue to go underserved, if treated at all. It is my understanding the role of the board may consist of statewide oversight of all private agencies taking on roles the Department of Health and Human Services continue to outsource. If this agency falls victim to the suggested budgetary cuts, a reduction in staff will be the result, which in turn will do nothing positive for the permanency of children in out-of-home care. In summary, the children will be enduring the suffering, anguish, and hurt as a result of a numbers game. As a parent, I crunch numbers on a daily basis. At the forefront of every decision I make is

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the safety needs of my children. The decisions I make as a parent will affect the lives of my children in one way or another. At this time, this committee is the parent of Nebraska's abused and neglected children, and you have an opportunity to impact their lives with your decisions. Please maintain the funding necessary to positively impact their lives and allow the agency to promote safety and permanency for the children and citizens that will one day impact ours. I thank the Appropriations Committee for not implementing the Governor's suggested cuts to this agency. Nonimplementation will allow the agency to continue to do what it does best--protecting and servicing Nebraska's children. Regardless of progress with reform efforts, the number of children in out-of-home care continues to rise. The result of increased children in out-of-home care will require additional reviews, additional reviews of approximately 300 cases per year. The citizens of Nebraska need this agency. The children of our great state need this agency. Thank you for your service and your commitment to our children. Do you have any questions? [AGENCY 70]

SENATOR HEIDEMANN: You did a good job. How many foster kids have you brought into your home? [AGENCY 70]

DAWN ANDERSEN: I've had a total of nine placements. Two have been adopted by us and we are in the process of adopting our third. [AGENCY 70]

SENATOR HEIDEMANN: What was your experience like? [AGENCY 70]

DAWN ANDERSEN: As a foster parent? Which one? (Laugh) I've had...I've had excellent caseworkers, I can't deny that. My first case, however, had two different caseworkers. I was actually a foster parent before the reform started and through the reform as well. I've definitely seen a decline in level of service since the reform, the miscommunication. To be honest with you, Senator, I see the case management being performed by foster parents, the judges, the county attorney, and the recommendations of the board, because the service coordinators and the caseworkers, in my opinion, are



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not fully aware of what is occurring on the cases. [AGENCY 70]

SENATOR HEIDEMANN: What's your interaction with...we probably understand your role with the Foster Care Review Board. [AGENCY 70]

DAWN ANDERSEN: Uh-huh. [AGENCY 70]

SENATOR HEIDEMANN: How about the guardian ad litem and the CASA worker? [AGENCY 70]

DAWN ANDERSEN: I've only had one CASA worker appointed to my case. Other than that, all of my other cases did not have a CASA worker. I'm sorry, I forgot the question. (Laugh) [AGENCY 70]

SENATOR HEIDEMANN: The guardian ad litem. I mean does everybody play a role here, in your opinion? [AGENCY 70]

DAWN ANDERSEN: To be honest with you, in all of my cases I've tracked down the guardian ad litem and I make them come and see the children. [AGENCY 70]

SENATOR HEIDEMANN: Really? [AGENCY 70]

DAWN ANDERSEN: Yes, sir. I've had two guardians ad litem in the Lincoln area that have maintained an open line of communication and has played a role in the case, in the decision-making process of what is in the best interest of the child. Other than that, I have had to track down the guardians ad litem, set up meetings, and request a visit. [AGENCY 70]

SENATOR HEIDEMANN: Would you do it over again? [AGENCY 70]

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DAWN ANDERSEN: Taking in children? [AGENCY 70]

SENATOR HEIDEMANN: Yeah. [AGENCY 70]

DAWN ANDERSEN: In a heartbeat. [AGENCY 70]

SENATOR HEIDEMANN: Anybody else? Thank you. [AGENCY 70]

CAROL STITT: Good afternoon, Senators. I am Carol Stitt, S-t-i-t-t, the director of the Foster Care Review Board, and there's really a couple of reference materials I just want to bring to your attention. (Exhibit 8) I think everything else has been covered with the questions senators ask me to cover for the hearing. One is the yellow tab, the first yellow tab, the lack of documentation form. Early into the reform, and I'm talking about February or March, the staff that you see behind me came to me and said, there's nothing in the files, we're losing all this information in the files. This was even before the lead agencies were changing. So with the help of the staff and working closely with Todd Reckling and the lead agencies, we developed a form where we track lack of documentation. And there is one area of improvement that's significant that I would like to point out and that is when we started this in almost 40 percent of our cases, there was no visitation documentation. And I know many of you have child welfare backgrounds and you understand if you don't have information about what's happening on the visit you can't move the case forward. That has actually reduced to 20 percent now. We still have a ways to go, but that is one of the efforts that our staff made that really improved at least some of the core data. I would like to answer the question. Some of you know, some of you don't know I'm originally from western Nebraska. There has been a decided deterioration of care for children in out-of-home care. Our one main recommendation to you today is help us build that system back. We have lost statewide over 300 beds. The majority of those beds are west of Grand Island and many of you know we didn't have beds to lose. The second area of deterioration we've seen since reform are the changes. We have worker changes, we have service coordinator

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changes. Senator Hansen asked Lydia to bring the pile over. That's a week of changes for the 4,000 children in out-of-home care. That's the workload we've seen. And, you know, it's critical what Lydia does to stop, inputting that, and follow up on these cases. We do have processes in place with the top service administrators, when we don't know where children are, to get those kids, you know, answered for, and sometimes it takes over three or four days to a week. We're in the perfect kind of storm here to lose children. We have worker and service coordinator changes and we have placements that aren't being entered into the computer, and that's why we're really dogging this as hard as we are and that's why we're asking for the additional tracking person to help us. That's all. [AGENCY 70]

SENATOR HARMS: Is there any questions? [AGENCY 70]

SENATOR FULTON: Thank you, Mr. Vice Chairman. Thank you, Carol, again.  
[AGENCY 70]

CAROL STITT: Uh-huh. [AGENCY 70]

SENATOR FULTON: Can you...I missed the beginning. What are the numerics here? There are two requests, I think. One was for \$53,000 something and... [AGENCY 70]

CAROL STITT: Yes, sir. [AGENCY 70]

SENATOR FULTON: ...and the other. What are they precisely? [AGENCY 70]

CAROL STITT: One is for one additional person to help us track, and the other is for two reviewers. Let me see my budget sheet. And the numerics are the tracking system staff with all benefits, it'd be \$40,000 in General Fund, and then the two additional reviewers would be \$96,000 in General Fund, and what that would do is allow us to review 300 more children a year and, you know, help Lydia with the tracking onslaught

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that we have. [AGENCY 70]

SENATOR FULTON: Okay. [AGENCY 70]

CAROL STITT: Okay. That's all. [AGENCY 70]

SENATOR HARMS: Any other questions? Senator Hansen. [AGENCY 70]

SENATOR HANSEN: Well, that was the same question I had, since that's why you're here, (laugh)... [AGENCY 70]

CAROL STITT: That's why I'm here. [AGENCY 70]

SENATOR HANSEN: ...to answer those questions, and you already answered them. Thank you for bring your staff over there; did a good job, great job today. [AGENCY 70]

CAROL STITT: They're a great staff. And in the back we have a picture for you so you can see our staff statewide. [AGENCY 70]

SENATOR HANSEN: Yeah. [AGENCY 70]

CAROL STITT: There they are with their accomplishments of last year and, as you can tell, they keep upbeat and it's a tough, tough job and I appreciate your support today. Thank you very much. [AGENCY 70]

SENATOR HARMS: Are there any other questions for Carol? [AGENCY 70]

SENATOR HANSEN: Well, and...could I do one follow-up? [AGENCY 70]

SENATOR HARMS: (Inaudible) [AGENCY 70]

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SENATOR HANSEN: The volunteers out in the country that do the reviews, too, are great. [AGENCY 70]

CAROL STITT: Yeah, reviews. [AGENCY 70]

SENATOR HANSEN: I would encourage anybody here that's not sat in on a Foster Care Review Board local meeting to do that. It's an eye-opener. [AGENCY 70]

CAROL STITT: We do have about 300 citizens statewide who are trained, who assist and make the findings that the Legislature determined we should make. [AGENCY 70]

SENATOR HANSEN: All volunteers. [AGENCY 70]

CAROL STITT: All volunteers. There's no mileage, there's no nothing. [AGENCY 70]

SENATOR HARMS: Seeing no questions, thank you, Carol, for your testimony. [AGENCY 70]

CAROL STITT: Thank you. Thank you. [AGENCY 70]

GARY LACEY: I forgot my iPad and I need it. My name is Gary Lacey and I'm currently retired. I was the prosecutor, both elected and as an assistant prosecutor, for 36 years in Lincoln and finished my term in office on January 6 of this past year. Over the years, especially as the elected prosecutor, I certainly became of the opinion that the only way to help kids is not to wait to have them enter the criminal justice system and end up, through our court system, being punished for crimes and sent to the penitentiary. Those people, as far as I'm concerned, are lost. They're lost to us and they're a burden on society and it's just one of the things you have to take care of. But it became apparent to me very early on in my career that it was absolutely necessary to pay attention to the

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kids and the way you do that as a prosecuting attorney is to place an emphasis on the juvenile court and what the juvenile court does. When I first came to the office, the juvenile court attorneys were people who just graduated from law school and they were given their assignment to go and, you know, wet their feet, get their training in juvenile court. I changed that in my term in office and I put the most experienced people and the most smart people in the juvenile court. It's important, it's important for the prosecutor to have this kind of attitude because the prosecutor is the person or the people that provide the judge information by way of testimony to make important decisions, and if they don't, if you don't have someone that's interested in doing that, then you're out of luck and kids are going to suffer for it. I want to tell you that this current situation involving the Health and Human Services' attempt to shift responsibility for much of the care of children who are state wards to private providers is fraught with difficulty and I don't...duh, it's not something that you're not already aware of that we're having real, really big problems. The problems I want you to know about that I'm aware of are that the agencies, the lead agencies that have contracted with the state are not prepared to do what they're required or what the department wants them to do. They come to court and the case reports or the files are incomplete. If the prosecutor doesn't have a file or doesn't have the material to present to the judge, then it's not...it's not going to happen. The judges are not going to make proper decisions. For instance, one of the things that is really important for a judge to know, and it frequently happens in these kinds of cases, is that there's drug abuse in the family and the court has, as a part of the process, ordered drug testing, and this is on a periodic basis. It's on a random basis and it's unannounced. And in the last few months drug testing for these parents that are hoping to get their children back or working to get their children back, it's not happening. There's no...nobody is doing anything to see that they're drug tested. In fact, in Lancaster County, and I talked with the prosecutor that's in charge of the juvenile division just yesterday, she said that she had, in one case, had somebody coming...calling her up saying, I am a parent, I want to get my child back and I'm not being drug tested like I was supposed to be drug tested, and I want to be drug tested because I want to prove at some future time that I wasn't using drugs. And this is not

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a...this is not (laugh) a good situation when you have courts ordering drug testing and that is not being done. And the reason it's not being done is people are...these caseworkers that are KVC caseworkers are just overwhelmed with the responsibility of taking on cases that they're not really equipped to handle all at once. And so that is really important. And the judges in Lancaster County I think are of the opinion that the information that they're getting is not reliable, and because they aren't convinced that the information is reliable, that they won't act as speedily on getting these cases done and in getting the placements made or the changes that need to be done, done. If you come in for a periodic review and the caseworker says, well, I just got this file and I don't know anything about it, I might have talked to somebody yesterday because I knew the case...the hearing was coming up and I know that the child is with this particular person and, as far as I know, everything is okay, when they don't have the history they don't have anything. And as a result of this problem, I think in Lancaster County we are seeing a decrease in the number of foster care people that are willing to take cases. I looked up right before I came and the amount...the minimum amount for a foster parent to receive is like \$268 a month. Well, that's just...I can't imagine why anybody would take a child for that amount of money but there are people, like the lady who testified just before me, Carol, and the lady who testified before her, that care about these things. So as a prosecutor, I would really like for you to enable the Foster Care Review Board to do as much as it can, because it really is a safety net for the whole system. And while we're on this drive to reform the system, whether it's a wise drive or an ill-founded drive, the kids are hanging in the balance and I don't think, right now, that they're being...that they're being cared for properly. [AGENCY 70]

SENATOR HARMS: Any questions for Mr. Lacey? Senator Hansen. [AGENCY 70]

SENATOR HANSEN: Mr. Lacey, thank you for being here. And thank you, Vice Chairman Harms. Do you see any gross parallel between parole and the Foster Care Review Board? [AGENCY 70]

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GARY LACEY: The Parole Board probably has more responsibility for releasing people. All the Foster Care Review Board can do is to alert, is to issue their reports and alert you where there are problems. The Parole Board can actually take a matter into consideration and release somebody to the public. [AGENCY 70]

SENATOR HANSEN: But if we have a HHS Department that's not actually doing all the things that they're supposed to be doing, or a lead agency that's not supposed to be doing, doesn't it fall upon the Foster Care Review Board to...I mean at least to push the system? [AGENCY 70]

GARY LACEY: Well, you know, the Foster Care Review Board, in my opinion, like when I became the county attorney, everybody told me to begin with you beware of Carol Stitt... [AGENCY 70]

SENATOR HANSEN: Well, we still say that. (Laughter) [AGENCY 70]

GARY LACEY: ...because if you get on the wrong side of Carol Stitt, she'll kick your rear end around the block. And so I was leery of Carol Stitt to begin with, but we both happen to be originally from western Nebraska--she's from Minatare, I'm from Scottsbluff--and we hit it off. And I found out quickly that Carol Stitt was not somebody that was going to kick me, my butt around the block because we had...we both had the same interests at heart. But the Foster Care Review Board has always been perceived by Health and Human Services as an enemy and, therefore, instead of cooperating with them and giving them the information they need to do their job, they consider them to be an adversary and you should keep information from them because they'll say bad things about you in the public. Well, you know... [AGENCY 70]

SENATOR HANSEN: But the Parole Board helps the court system, so I mean those are the parallels and we're talking about (inaudible). [AGENCY 70]



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GARY LACEY: Well, are you saying that you want to give the Foster Care Review Board a little bit more power? (Laugh) [AGENCY 70]

SENATOR HANSEN: I'm not sure. I'm not sure. I think they're... [AGENCY 70]

GARY LACEY: Or of placement? [AGENCY 70]

SENATOR HANSEN: Yesterday we talked to the Department of Corrections and they're talking about letting a wide...I mean a big number of prisoners out now and... [AGENCY 70]

GARY LACEY: Of druggies out? [AGENCY 70]

SENATOR HANSEN: ...and Parole, their duties are going to increase just because of the sheer number. [AGENCY 70]

GARY LACEY: Yeah. Sure. [AGENCY 70]

SENATOR HANSEN: And I see the Foster Care Review Board's needs increasing at the same time because of an increase in sheer numbers. [AGENCY 70]

GARY LACEY: Uh-huh. [AGENCY 70]

SENATOR HANSEN: So that's the parallel I was trying to make. [AGENCY 70]

GARY LACEY: The parallel is there. [AGENCY 70]

SENATOR HANSEN: Yeah. [AGENCY 70]

GARY LACEY: The power is...there's a difference in power. [AGENCY 70]

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SENATOR HANSEN: Yeah. No, I understand that. Thank you. [AGENCY 70]

SENATOR HARMS: Senator Nelson. [AGENCY 70]

SENATOR NELSON: Thank you, Vice Chairman Harms. Gary. [AGENCY 70]

GARY LACEY: Yes, how are you? [AGENCY 70]

SENATOR NELSON: Just fine. While you're here, because you've had so much experience here in Lancaster County, does the juvenile court, as a matter of course, appoint guardians ad litem for the children? How often does that happen? [AGENCY 70]

GARY LACEY: Very frequently, yes. [AGENCY 70]

SENATOR NELSON: I'm wondering. I served as a guardian ad litem in Douglas County a number of times years and years ago, but are they doing their job I mean at looking (inaudible)? [AGENCY 70]

GARY LACEY: Well, you know, back in 2003, we had a review of, I think it was, 30-some child deaths and Governor Johanns at that time appointed a committee to review those deaths. And one of the things we found and one of the recommendations was that guardians ad litem were not seeing the children. They were doing paper guardians ad litem and they were reporting to the court and they hadn't even really done...been out to see the child. And so that...a recommendation was made to the Supreme Court to boost up the guardian ad litem training and that's being done. Now I think that, at least in Lancaster County, that guardians ad litem are seeing the children and they...you can't even be a guardian ad litem, I don't think, as an attorney, if you don't...aren't certified by the Supreme Court, which means you have to have the training. And the judges, I don't know that all of the judges but I think most of the judges

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are saying if you haven't been out to see the child in the last 30 days then don't submit any bills to me because you won't be paid. [AGENCY 70]

SENATOR NELSON: Okay. Thank you. [AGENCY 70]

GARY LACEY: Uh-huh. [AGENCY 70]

SENATOR HARMS: Any other questions for Mr. Lacey? Mr. Lacey, thank you for your testimony. [AGENCY 70]

GARY LACEY: Thank you. [AGENCY 70]

SENATOR HARMS: Do we have anyone else who would like to speak on Agency 70? (See also Exhibits 9, 10, 11, and 12) If not, then we'll close the hearing for Agency 70 and we'll open the hearing for Agency 76. [AGENCY 70]